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UTILITY PATENT APPLICATION
TRANSMITTAL
(only for continuation and divisional
applications under 37 CFR 1.53(b))

Docket No.: P-OD 5078

Prior Application Info:
Examiner: A. Chakrabarti
Group/Art Unit: 1655

Address to: COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231

23601
PATENT TRADEMARK OFFICE

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This is a request for filing a
___ continuation ___ X divisional

application under 37 CFR 1.53(b), of pending prior application
serial no. 09/724,764, filed November 28, 2000 (list only
immediate prior application).

Title: METHODS OF IDENTIFYING OPTIMAL DRUG COMBINATIONS AND
COMPOSITIONS THEREOF

Inventor(s) (full name of each inventor): Dale R. Pfost
No abandonment of, or termination of proceedings, has occurred in
the above-identified prior application.

1. X An application based on the prior application as filed
and containing no new matter is enclosed, consisting
of:
 1 page application cover sheet
 58 pages of specification (includes claims and
 abstract)
 7 sheets of drawing(s).
2. X 3 pages of a copy of the oath or declaration as
originally filed May 22, 2001, in prior
application (37 CFR 1.63(d)), U.S. serial no.
09/724,764, filed November 28, 2000, is
enclosed.
3. ___ A signed statement DELETING inventor(s) named in the
prior application (37 CFR 1.63(d)(2) and 1.33(b)) is
attached.
4. ___ Nucleotide and/or Amino Acid Sequence Submission is
enclosed:
 ___ computer readable copy of sequence listing
 ___ paper copy of sequence listing, pages ___ through
 ___ Statement Under ___
 ___ Request to Use Computer Readable Form of Sequence
 ___ Listing From Another Application
 ___ Other:

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5. ☒ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under item no. 2 of this form, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
6. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior application.
7. ☐ A preliminary amendment is enclosed.
8. Small entity status:
a. ☐ A small entity statement is enclosed.
b. ☐ A small entity statement was filed in prior application serial no. 09/724,764, and such status is still proper and desired.
c. ☒ is no longer claimed.
9. ☒ Amend the specification by:
☐ inserting before the first paragraph on page 1: or
☒ deleting the paragraph on page 1 regarding related applications and inserting therefor:

This application is a divisional of application serial no. 09/724,764, filed November 28, 2000, which claims benefit of U.S. provisional application serial no. 60/167,931, filed November 29, 1999, which are incorporated herein by reference.
10. ☒ Cancel in this application original claims 28-59 of the prior application before calculating the filing fee. (At least one original independent claims must be retained for filing purposes.)
11. The prior application is assigned of record to ORCHID BIOSCIENCES, INC.
12. The power of attorney in the prior application is to Cathryn Campbell, Reg. No. 31,815 and David Gay, Reg. No. 39,200.
13. ☐ A copy of a change in power of attorney or authorization of agent as filed in the prior application (37 CFR 1.63(d)(4)) is enclosed.
14. ☒ A return receipt postcard is enclosed.
15. ☒ A Patent Application Bibliographic Data Sheet is enclosed.
16. ☐ Request for Nonpublication and Certification is enclosed.
17. ☐ A copy of the Petition for Extension of Time filed on ____ (date) _____ in prior application serial number _____ is enclosed.
18. ☒ Also enclosed: Appointment of Associate Attorney.

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Inventor: Dale R. Pfost
Docket No.: P-OD 5078
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The filing fee is calculated below:

| | NUMBER FILED | | NUMBER EXTRA | | RATE | FEE |
|---|-----------------|---|-----------------|---|----------------|----------|
| TOTAL CLAIMS | 27 - 20 | = | 7 | x | \$9 \$18 | \$126.00 |
| INDEPENDENT CLAIMS | 3 - 3 | = | 0 | x | \$42 \$84 | \$0.00 |
| MULTIPLE DEPENDENT CLAIMS _____ YES _____ X _____ NO | | | | | \$140 \$280 | \$0.00 |
| BASIC FEE | | | | | \$370 \$740 | \$740.00 |
| TOTAL FEE | | | | | | \$866.00 |

19. X A check in the amount of \$866.00 is enclosed. A duplicate copy of this sheet is enclosed.
20. _____ The filing fee is not enclosed. Do not charge our deposit account.
21. X The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Address all future communications to:

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USPTO CUSTOMER NO. 23601

Respectfully submitted,

Date: December 27, 2001

David A. Gay
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Registration No.: 39,200
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4370 La Jolla Village Drive
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San Diego, California 92122

____ inventor(s)

X agent of record

____ assignee of complete
interest

____ filed under Sec. 1.34(a)

Document: A copy of a Patent
Application Declaration
Attorney Docket No.: P-OD 5078

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